

## REMARKS

In accordance with 37 C.F.R. § 1.114, Applicants have submitted a Request for Continued Examination (RCE) of the above-referenced patent application. By the amendments and remarks provided herein, Applicants have addressed all outstanding issues presented in the Final Office Action dated January 12, 2005 (hereinafter, the "Action"), in which claims 1-11 and 17-43 are rejected under 35 U.S.C. § 102(b) as being anticipated by Zhang (U.S. Patent No. 5,812,195), claims 44-46 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nickerson (U.S. Patent No. 5,926,222), and claims 12-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang in view of Howe (U.S. Patent No. 5,900,865).

Applicant believes that this response addresses the Examiner's rejection and that any changes do not introduce new matter into the specification, limit the scope of the claims or result in any prosecution history estoppel.

### Current Status of Claims:

Claims 44-46 remain pending in this amendment. Claims 1-43 have been cancelled. New claims 47-68 have been added. Applicants have amended claim 64 to correct a minor formality and offer new claims 47-68 to address certain of the rejections and thereby place the above-referenced application in condition for allowance.

### Claim Rejections:

#### 35 U.S.C. § 102(b):

The Examiner rejected Claims 44-46 in the application as being anticipated by Nickerson. Applicants respectfully traverse the Examiner's rejection.

In particular, Nickerson fails to disclose a **look up table comprising a relationship between the number of bits and variation in pixel signal values of a plurality of video images for a variety**

**of quantization step sizes** where the look up table and a bit budget may be employed to perform video encoding rate control, as claimed or similarly claimed. As noted in the application on page 9, lines 11-20.

Nickerson fails to teach or suggest a look up table comprising a relationship between the number of bits and variation in pixel signal values of a plurality of video images for a variety of quantization steps. In particular, there is no support for the Examiner's assertion that Nickerson discloses "a table 514 where it takes the number of bits and the *variation in pixel signal values* into account" as claimed (Action; page 21). Applicants note that, with regard to table 514, Nickerson merely discloses that "(i)ndex generator 512 combines the 5-bit quantized coefficient degree from lookup table 508 and the 5-bit zero-run coefficient degree to generate a 10-bit index (step 612). The 10-bit index is used to access an 8-bit entry from bit contribution lookup table 514 (step 614). The *8-bit entry identifies the number of bits contributed to the encoded bit stream and also indicates whether to increment or initialize the zero run to be used for the next transform coefficient.*" (Nickerson; Col. 9, lines 37-44). Thus, Applicants note that Nickerson fails to disclose wherein table 514 comprises a relationship between the number of bits **and variation in pixel signal values** of a plurality of video images for a variety of quantization step sizes as claimed.

Applicants note that Claims 45 and 46 depend from Claim 44. As a result, in addition to any other bases for patentability, Applicants respectfully submit that Claims 44-46 are patentable over the cited reference by virtue of at least this dependence. Thus, Applicants respectfully request that the rejections of Claims 45 and 46 also be withdrawn.

**New Claims:**

With regard to new independent Claim 47, Applicants assert that neither Zhang, nor Nickerson nor Howe, taken alone or in any combination thereof disclose and/or suggest the recited **using the measurement of variation in pixel values as an index to a lookup table to determine a quantization value to be used in encoding the video image, the lookup table comprising a**

**relationship between video encoding rate and variation in pixel signal values.** Therefore, Applicants assert that neither Zhang, nor Nickerson nor Howe, taken alone or in any combination thereof anticipate and/or render the above-referenced application unpatentable. Therefore, Applicants respectfully request that the Examiner allow Claim 47.

Applicants note that new Claims 48-52 depend from Claim 47. As a result, in addition to any other bases for patentability, Applicants respectfully submit that Claims 48-52 are not anticipated and/or rendered unpatentable over the cited references by virtue of at least this dependence. Thus, Applicants respectfully request that the Examiner also allow Claims 48-52.

New independent Claims 53, 58 and 63 also include elements similar to Claim 47. Accordingly, claims 53, 58 and 63 are patentable over the cited references for the same reasons as those presented for claim 47. Therefore, Applicant respectfully requests that the Examiner allow claims 53, 58 and 63.

Applicant notes that Claims 54-57, 59-62 and 64-68 depend from patentable base Claims 53, 58 and 63, respectively. As a result, in addition to any independent bases for patentability, Applicant respectfully submits that Claims 54-57, 59-62 and 64-68 are patentable over the cited references by virtue of at least this dependence. Thus, Applicant respectfully requests that the Examiner also allow Claims 54-57, 59-62 and 64-68.

## CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in this patent application are in condition for allowance.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 264-6473. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Respectfully submitted,



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